

Message Text

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42

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 NEA-09 CIAE-00 INR-07 NSAE-00

EB-07 SS-15 SP-02 L-02 NSC-05 TRSE-00 COME-00 OMB-01

H-02 STR-04 /067 W

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P R 031739Z APR 75

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC PRIORITY 8599

INFO ALL EC CAPITALS 504

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E.O. 11652: N/A

TAGS: EEC, ETRD, PFOR, IS

SUBJECT: DOMESTIC LEGISLATION AGAINST ARAB BOYCOTT OF ISRAEL

REF: A) STATE 73840 B) EC BRUSSELS 132, JAM. 10, 1973

1. WE HAVE ASKED THE EC COMMISSION'S US DESK TO CHECK INTO THE EXISTENCE OF EC REGULATIONS AIMED AT THE ARAB BOYCOTT OF ISRAEL. (THE OFFICIAL WITH WHOM WE SPOKE WAS HIGHLY SKEPTICAL AS TO THE EXISTENCE OF SUCH REGULATIONS, OR EVEN PROPOSALS FOR REGULATIONS ALONG THESE LINES.)

2. THE MISSION NOTES THAT THE EC-LEBANON AGREEMENT STATES, IN ARTICLE 7, THAT "THE TRADING ARRANGEMENTS APPLIED BY LEBANON TO PRODUCTS ORIGINATING IN THE COMMUNITY OR EXPORTED TO THE COMMUNITY SHALL NOT GIVE RISE TO ANY DISCRIMINATION BETWEEN THE MEMBER STATES, THEIR NATIONALS OR THEIR COMPANIES OR FIRMS". (ARTICLE 8 ALSO BEARS ON THE POINT OF NON-DISCRIMINATION.) HOWEVER, IN AN EXCHANGE OF LETTERS ON THE OCCASION OF THE SIGNATURE OF THE AGREEMENT, THE LEBANESE NEGOTIATOR BROUGHT TO THE EC NEGOTIATORS' ATTENTION THE FOLLOWING LEBANESE GOVERNMENT DECLARATION: "THE LEBANESE REPUBLIC STATES THAT ITS OBLIGATIONS IN RESPECT OF THE APPLICATION OF ARTICLES 7 AND 8 OF THE AGREE-

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MENT WILL NOT REQUIRE IT TO REPEAL LAWS AND REGULATIONS

IN FORCE WHICH ARE REQUIRED TO SAFEGUARD ITS ESSENTIAL SECURITY INTERESTS. THE LEBANESE REPUBLIC WILL ENDEAVOR TO APPLY THESE LAWS AND REGULATIONS CONSISTENTLY WITH THE PROVISIONS OF ARTICLE 2(3) OF THE AGREEMENT." THE EC NEGOTIATOR IN RESPONSE CONVEYED THE FOLLOWING COMMUNITY DECLARATION: "1. THE EUROPEAN ECONOMIC COMMUNITY TAKES NOTE OF THE DECLARATION BY LEBANON. 2. THE EUROPEAN ECONOMIC COMMUNITY WILL EXPECT THE PRINCIPLES STATED IN THE AGREEMENT, INCLUDING THOSE CONTAINED IN ARTICLES 7 AND 8 OF THE AGREEMENT, TO RECEIVE FULL APPLICATION. THE EUROPEAN ECONOMIC COMMUNITY CONSIDERS, IN PARTICULAR, THAT APPLICATION OF THE PRINCIPLE OF NON-DISCRIMINATION SHOULD ENSURE A CORRECT AND ACCEPTABLE APPLICATION OF THE AGREEMENT".

3. SIMILAR LETTERS WERE EXCHANGED IN CONNECTION WITH THE SIGNATURE OF THE EC-EGYPTIAN AGREEMENT. FOR TEXTS, SEE RE B.

4. THESE EXCHANGES ARE CLEARLY AMBIGUOUS; IT APPEARS THAT THEY CONSTITUTE STATEMENTS OF POSITION WHICH AT LEAST LARGELY CANCEL EACH OTHER OUT.

5. THE COMMUNITY IS ATTEMPTING, IN ITS CURRENT NEGOTIATIONS WITH THE MAGHREB STATES, TO WIN THE LATTER STATES' AGREEMENT TO PROVISIONS REQUIREING NON-DISCRIMINATORY TREATMENT OF EC MEMBER STATES, NATIONALS, AND FIRMS. MYERSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, EXPORT CONTROLS, BOYCOTTS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975ECBRU02964
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750115-0758
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750486/aaaadapx.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 73840, 75 EC BRUSSELS 132, 75 JA10, 75 1973
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2003 by BoyleJA>; APPROVED <21 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DOMESTIC LEGISLATION AGAINST ARAB BOYCOTT OF ISRAEL
TAGS: ETRD, PFOR, IS, XF, EEC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006